

## **REMARKS**

### **Status**

This Amendment is responsive to the Office Action mailed 12/30/2004, in which Claims 1 – 43 were rejected. Claim 2 has been canceled; Claims 1, 7, 8, 10, 12, 19, 20, 23, 38 - 42, have been amended; and new Claims 44 and 45 have been added. Accordingly, Claims 1 and 3 - 45 are pending in the application, and are presented for reconsideration and allowance.

### **Claim Rejection - 35 USC 102**

Claims 1 – 37, and 40 - 43, stand rejected under 35 USC 102 as being anticipated by Struble et al., US Patent No. 5, 895, 592 and Claims 38 – 39 stand rejected under 35 USC 102 as being anticipated by Scott, US Patent No. 4,198,145. These rejections are respectfully traversed.

According to the present invention as defined by claim 1, there is provided a preheat chamber for conditioning an exposed imaging material having a conditioning temperature and a development temperature higher than the conditioning temperature. The imaging material includes an aqueous based emulsion in an aqueous based solvent wherein the conditioning temperature in the preheat chamber causes substantially all moisture to be released from the aqueous-based emulsion. The preheat chamber is provided with an evacuation system for removing from the preheat chamber all the water vapor and other byproducts released from the aqueous emulsion prior to development of the exposed imaging material. This prevents artifacts that can arise if the imaging material has not had substantially all of the moisture removed.

Neither Struble nor Scott, cited by the examiner, negative novelty or invention in the present invention as defined by claim 1 and claims 2 – 11 dependent therefrom. Struble discloses a thermal processor having an oven with two contiguous sections which are not thermally isolated from each other. The first section heats the thermally processable material to a temperature that is higher than the temperature of the second section. (See Col. 12, line 66 – Col. 13, line 5.) In the first section, the rollers are heated to 275 degrees Fahrenheit, and in the second section, the rollers are heated to approximately 260 degrees Fahrenheit. (See Col. 12, lines 48 – 53). This is just the opposite to the claimed invention wherein the exposed imaging material is first heated to a temperature below the development temperature to remove substantially all moisture from the imaging material before development to avoid imaging artifacts from being produced during development. Moreover, in the Struble thermal processor there

is no evacuation system associated with the first section that is capable of removing substantially all moisture removed from an aqueous based imaging material before development.

Scott discloses an apparatus for developing photographic images on an emulsion coated film that has a preheater 42 used to “preheat the film 14 prior to exposure” (see Col. 3, lines 9 – 10). Again, this is diametrically opposite to the claimed invention wherein the imaging material is preheated after exposure, not before exposure as in Scott. The claimed invention would not be operable in either of the cited apparatus.

Claim 12 defines a thermal processor including a preheat chamber for heating imaging material having an image to a conditioning temperature below the development temperature and a dwell chamber, thermally isolated from the preheat chamber, for heating the imaging material to a development temperature. As discussed above, the first and sections of Struble are not thermally isolated from each other, and the first section heats the imaging material to a higher temperature than the second section. As shown in Figure 1 of Struble, the heating member 28, 32 of the first section extends into the second section of the thermal processor so that there is no thermal isolation between the two sections. Scott is equally inapposite as discussed above. Thus, claims 12 and dependent claims 13 – 22 are clearly novel and nonobvious over the cited references.

The invention defined by claim 23 and claims 24 – 37 dependent therefrom are novel and nonobvious for the reasons discussed above. More particularly, there is no evacuation system disclosed in Struble for evacuating released moisture from preheated imaging material in order to avoid artifacts which would result from developing moisture laden imaging material.

Claims 38 and 39 are novel and nonobvious over the cited references as discussed above. More specifically, the claimed invention is a method for preheating an exposed imaging material, whereas Scott discloses preheating imaging material before it has been exposed.

New claims 44 and 45 are novel and nonobvious for the reasons discussed above with respect to the other claims and specifically claims 38 and 39. Moreover, claim 45 is novel and nonobvious over the cited references because the imaging material is developed in a dwell chamber that is thermally isolated from the preheat chamber.

Claim 40 is novel and nonobvious over the cited references for the reasons discussed above and specifically for preheating exposed imaging material to a conditioning temperature range that is less than a developing temperature range. As discussed above, there is no disclosure in the cited references of

providing an evacuation system in a preheat conditioning environment to evacuating moisture released during preheat conditioning when processing exposed imaging material including moisture sensitive aqueous-based emulsion in an aqueous based solvent, as defined in claim 41. Moreover, there is no disclosure in any of the cited references of thermally isolating first means for preheating exposed imaging material to a conditioning temperature and second means for heating the exposed imaging material to a developing temperature as defined in claim 42.

Clearly, claims 1 and 3 – 45 are novel and nonobvious over the cited references and should be allowed.

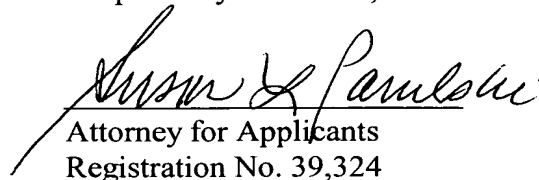
### **Summary**

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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